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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,418	06/06/2001	Jack C. Martin JR.	36968/254469 (BS00413)	7752
36192	7590	10/14/2003	EXAMINER	
CANTOR COLBURN LLP			WONG, ERIC K	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	

2874

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/875,418

Applicant(s)

MARTIN ET AL.

Examiner

Eric Wong

Art Unit

2874

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2874

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 7, 13, 17 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Application Publication 2002/0141720 to Halgren et al.

As to claim 1, Halgren discloses in figures 1 and 2, an apparatus for multiple-channel dense wavelength division multiplexing (DWDM), the apparatus comprising:

- A housing capable of being mounted in a front panel of a distribution frame in a switching office (10);

Art Unit: 2874

- Circuitry contained inside the housing capable of performing multiple-channel passive DWDM by receiving a plurality of inputs and one output, the circuitry further capable of providing a non-intrusive monitoring port (Paragraph 31 and 32);
- A faceplate attached to the housing with a plurality of openings (Paragraph 26); and
- A plurality of connectors, wherein each connector resides in one of the plurality of openings in the faceplate, each connector having two ends, one being connected to an input of the circuitry and another end (Paragraph 18 and 26).

As to claim 2, the circuitry is capable of receiving 13 inputs.

As to claim 3, the input cable is a fiber optic cable (51).

As to claims 4, and 5, the input cable carries a signal of a defined standard wavelength and is capable of carrying an optical signal around 1550nm.

As to claim 6, one of the inputs is for maintenance purposes (Paragraph 32).

As to claim 13, figures 1 and 2 discloses a method for providing relief for an interoffice facility fiber optic routes without constructing new fiber optic cable facilities, the method comprising:

- Mounting a passive WDM module in a shelf of a fiber optic distribution frame of a central office, the shelf having a front and back side, the passive WDM module capable of receiving fiber optic cable connectors on a faceplate of the module wherein each cable connector has a front and back side (52);

Art Unit: 2874

- Terminating a plurality of incoming fiber optic cables on the back side of connectors in the shelf;
- Connecting a plurality of connector fiber optic cables from the front side of the connectors in the shelf to the faceplate of the module; and
- Connecting an output connector cable from the faceplate of the module to an outgoing fiber optic connector on the front side of the shelf (51).

As to claim 14, the terminating step comprises receiving a plurality of incoming/outgoing fiber optic cables from another central office (Figure 3).

As to claim 15, the number of incoming fiber optic cables are 12 (Paragraph 28).

As to claims 16, the outgoing fiber optic cable is connected to the next central office (Figure 3).

The limitations in the claims after the word “capable” have no patentable weight. The details of those claims are not specifically claimed and have not been considered as a limitation to the claim. However, the rack structure of Halgren et al. is capable of performing the recited claim limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2874

4. Claims 7-12 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halgren as applied to claims 1-6 and 13-16, respectively above.

Halgren discloses a passive DWDM with inputs and outputs as described in rejections of above claims, but fails to explicitly disclose circuitry capable of performing passive dense wavelength division de-multiplexing.

It is well known in the art to use DWDM for multiplexing or demultiplexing depending on the desired application.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a demultiplexer in an optical system in order to properly route and transmit optical signals.

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art made of record fails to explicitly disclose a method for providing spare parts in a central office equipped with a plurality of laser transmitters of different frequencies with a spare laser transmitter of a single frequency. Therefore, claim 21 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 703-305-4741. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 703-308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/875,418

Page 6

Art Unit: 2874

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

EW



HEMANG SANGHAVI
PRIMARY EXAMINER